



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,597	12/05/2003	Yasuhisa Koide	16869P-101900US	1554

20350 7590 08/30/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

GIESY, ADAM

ART UNIT	PAPER NUMBER
----------	--------------

2627

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,597	Applicant(s) KOIDE, YASUHISA	
	Examiner Adam R. Giesy	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajo (US Pat. No. 6,925,042 B2).

Regarding claim 1, Nakajo discloses a recording/reproducing apparatus comprising: a laser for emitting a laser beam onto an optical disk and recording a data (Figure 1, element 28 – note that the pick-up contains light emitting and receiving means); a laser driver for outputting to said laser a voltage corresponding to the emitted light waveform obtained by converting the recording data (element 42); light receiving means for receiving the reflected light of the laser beam emitted onto said optical disk (28 – note that the pick-up contains light emitting and receiving means); a light pick-up comprising said laser and light receiving means and movable in the radial direction of said optical disk (28); a motor for rotating said optical disk (24); a motor driver for controlling the rotation speed of said motor (40); test write means for controlling said laser driver and light pick-up and conducting test writing by changing the laser power in a test writing area provided in said optical disk (elements 28, 42, 44, and 50); and means for

Art Unit: 2627

evaluating the test-written data and setting the value of the reflected light corresponding to the recording laser power as a target reflected light value (elements 28, 34, 36, 38, and 50), wherein said motor driver starts recording at a linear velocity in said test writing area and controls the rotation speed of said motor so as to reach the target angular velocity when data is recorded from any location on said optical disk (see column 12, lines 48-59), and said laser driver conducts a running OPC for controlling a voltage supplied to said laser so that the value of the reflected light obtained with said light receiving means becomes said target reflected light value during a recording period from the recording start till the target angular velocity is reached (see column 12, line 59 thru column 13, line 3).

Regarding claim 2, Nakajo discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the motor driver conducts a CLV control to said recording start location and conducts a CAV control after said target angular velocity has been reached (see column 12, lines 48-59).

Regarding claim 3, Nakajo discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that an asymmetry processing unit is provided and the laser driver is controlled so that an asymmetry value (β value) which is set by the optical disk is assumed (Figure 1, element 34).

Regarding claim 4, Nakajo discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the motor driver rises the rotation speed of said motor in stages during the recording period from the recording start till the target angular velocity is reached (see Figure 2 – note the leftmost dotted line).

Regarding claim 5, Nakajo discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the relationship between the laser power and linear velocity obtained with said running OPC is stored in a memory (Figure 1, element 52).

Regarding claim 6, Nakajo discloses a laser power control method comprising the steps of: acquiring a reflected light level during recording by test writing into a test writing area provided in an optical disk (see column 12, lines 6-9); and conducting a running OPC for controlling the laser so as to obtain said reflected light level, while considering the linear velocity at the recording start location as a linear velocity on the inner peripheral side of the optical disk and increasing the rotation speed after the recording start till the target rotation speed of said disk is reached (column 12, line 59 thru column 13, line 3).

Regarding claim 7, Nakajo discloses all of the limitations of claim 6 as discussed in the claim 6 rejection above and further that a CLV control is conducted to a recording start location and a CAV control is conducted after said target rotation speed has been reached (column 12, lines 48-59).

Regarding claim 8, Nakajo discloses all of the limitations of claim 6 as discussed in the claim 6 rejection above and further that the rotation speed is changed in stages during the recording period from the recording start till the target rotation speed is reached and said running OPC is carried out at each stage (column 11, lines 56-64).

Regarding claim 9, Nakajo discloses all of the limitations of claim 6 as discussed in the claim 6 rejection above and further that the time from the recording start till the

Art Unit: 2627

target rotation speed is reached is preset according to the recording location (column 12, lines 50-56).

Regarding claim 10, Nakajo discloses all of the limitations of claim 6 as discussed in the claim 6 rejection above and further that the relation between the laser power and linear velocity obtained with said running OPC is stored (column 13, lines 4-10).

Regarding claim 11, Nakajo discloses all of the limitations of claim 6 as discussed in the claim 6 rejection above and further that the relation between the laser power and linear velocity obtained with said running OPC is stored in a medium (see column 13, line 4).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Matsumoto (US Pat. No. 7,046,600 B2) discloses an OPC test writing device for use in an optical disc drive (this is the Patented version of the US Published Application cited in the IDS by Applicant).


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARG 8/22/2006



WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600